

ESTTA Tracking number: **ESTTA387392**

Filing date: **01/08/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91197648
Party	Defendant Y.L.L. HIGHCLASS HEALTHY PRODUCTS USA INC.C.
Correspondence Address	TING GENG LAW OFFICES OF GENG & ZHANG PLLC 3907 PRINCE ST STE 3G FLUSHING, NY 11354-5321 info@law-gz.com
Submission	Answer
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Date	01/08/2011
Attachments	Opposition.pdf (4 pages)(280204 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Application Serial Number: 77/905, 101

Mark: Y.L.L. (and design)

Publication Date: August 3, 2010

KYL Natural Health Products, Inc.,)	
)	
Opposer)	
)	Opposition No. 91197648
Vs.)	
)	
YLL Highclass Healthy Products USA, Inc.)	
)	
Applicant)	

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER OF APPLICANT
Y.L.L. HIGHCLASS HEALTHY PRODUCTS USA, INC.

Y.L.L. Highclass Healthy Products USA, Inc. ("Applicant"), as and for its Answer to KYL Natural Health Products, Inc.'s ("Opposer") Notice of Opposition, hereby alleges on information and belief as follows:

1. Applicant denies knowledge and information sufficient to form a belief as to the accuracy of the allegations contained in Paragraph 1 of the Notice of Opposition.
2. Applicant admits the allegations contained in Paragraph 2 of the Notice of Opposition.

3. Applicant denies knowledge and information sufficient to form a belief as to the accuracy of the allegations contained in Paragraph 3 of the Notice of Opposition.
4. Applicant admits the allegations contained in Paragraph 4 of the Notice of Opposition.
5. Applicant denies knowledge and information sufficient to form a belief as to the accuracy of the allegations contained in Paragraph 5 of the Notice of Opposition.
6. Applicant denies knowledge and information sufficient to form a belief as to the accuracy of the allegations contained in Paragraph 6 of the Notice of Opposition.
7. Applicant denies knowledge and information sufficient to form a belief as to the accuracy of the allegations contained in Paragraph 7 of the Notice of Opposition.
8. Applicant denies knowledge and information sufficient to form a belief as to the accuracy of the allegations contained in Paragraph 8 of the Notice of Opposition.
9. Applicant denies knowledge and information sufficient to form a belief as to the accuracy of the allegations contained in Paragraph 9 of the Notice of Opposition.
10. Applicant denies knowledge and information sufficient to form a belief as to the accuracy of the allegations contained in Paragraph 10 of the Notice of Opposition.
11. Applicant denies knowledge and information sufficient to form a belief as to the accuracy of the allegations contained in Paragraph 11 of the Notice of Opposition.
12. Applicant denies knowledge and information sufficient to form a belief as to the accuracy of the allegations contained in Paragraph 12 of the Notice of Opposition.
13. Applicant denies each and every allegation contained in Paragraph 13 and all of its subparts “a”, “b”, “c” and “d” of the Notice of Opposition.
14. Applicant denies the allegations contained Paragraph 14 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

15. Opposer's mark is not inherently distinctive and has not attained secondary meaning.

SECOND AFFIRMATIVE DEFENSE

16. Opposer's Notice of Opposition is barred by the doctrine of laches.

THIRD AFFIRMATIVE DEFENSE

17. 15 USCA §1115(b)(4) of the Lanham Act permits use of the personal name and/or initials of the personal name of Applicant's president, Mr. Yang Le-Lei, as a mark.

FORTH AFFIRMATIVE DEFENSE

18. There is no confusion of the public.

FIFTH AFFIRMATIVE DEFENSE

19. Opposer's Notice of Opposition is barred by the doctrine of unclean hands.

SIXTH AFFIRMATIVE DEFENSE

20. Applicant's right of free speech under the First Amendment of the U.S. Constitution permits its commercial registration and use of the mark.

WHEREFORE, Applicant prays for a determination and order denying the Notice of

Opposition and granting registration of Applicant's mark under U.S. Trademark

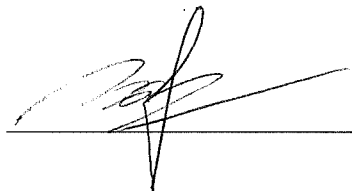
Application No. 77/905,101.

Respectfully Submitted,
Y.L.L. Highclass Healthy Products USA, Inc.

By: 
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that a copy of the foregoing Notice of Opposition was filed with the Trademark Trial and Appeal Board via the "Electronic System for Trademark Trials and Appeals" on the date below.

Signature: 

Date: 1/08/2011

CERTIFICATE OF SERVICE

I hereby certify that, on the date below, a true and complete copy of the foregoing Notice of Opposition has been deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to Opposer's attorney as: Thomas Menard, Esq., Alix, Yale & Ristas, LLP., 750, Main Street, Hartford, CT 06103